

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

BURNS, MORRIS & STEWART )  
LIMITED PARTNERSHIP, )  
 )  
Plaintiff, ))  
 )  
v. )  
 )  
ENDURA PRODUCTS, INC., )  
 )  
Defendant. )  
\_\_\_\_\_

Civil Action No. 9:04 CV 23

**NOTICE OF FILING OF DEFENDANT'S CORRECTED  
EXTRINSIC EVIDENCE APPENDIX (VOL. I)**

Endura hereby gives notice of the contemporaneous filing of Defendant's Corrected Extrinsic Appendix (Vol. I) that should be substituted in lieu of Defendant's Extrinsic Evidence Appendix (Vol. I) that was e-filed with the Court on April 8, 2005. [Dkt No. 37]. The accompanying Corrected Appendix substitutes and replaces certain pages in the original appendix from Merriam-Webster's Collegiate Dictionary that had key terms related to this litigation inadvertently blacked out. Defendant initially attempted to use yellow highlights to bring these terms more readily to the attention of the Court; however, the yellow highlighting was inadvertently converted to black in the process of scanning these pages into Adobe Acrobat for e-filing with the Court. Defendant apologizes to the Court for any inconvenience or confusion caused by this mistake.

Respectfully submitted, this 25<sup>th</sup> day of April, 2005.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2005, I electronically filed **NOTICE OF FILING OF DEFENDANT'S CORRECTED EXTRINSIC EVIDENCE APPENDIX (VOL. I)** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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